

IRRIGATION DEPARTMENT

The 2nd May, 1978

No. 25/37-L/Drg.—Whereas the Governor of Haryana is satisfied that the land specified below is needed urgently by the Government, at public expense, for a public purpose, namely, for Remodelling Pakasma Drain from R. D. 0 to 35400 outfalling into West Juan Drain at R. D. 38400 in villages Asodha Todran, Dakhor, Rohd in Tehsil Bahadurgarh and Villages Kheri Sampla, Naya Bas and Bhainsru Khurd in tehsil Rohtak and district Rohtak for which a notification has been issued under section 4 and sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the Land Acquisition Act, 1894, and published,—vide Haryana Government notification No. 17/37-L/Drg., dated 2nd May, 1978 in *Haryana Government Gazette*, Part I, it is hereby declared that the land described in the specifications below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern and under the provision of section 7 of the said Act, the Land Acquisition Collector, Public Works Department, Irrigation Branch, Rohtak is hereby directed to take order for the acquisition of the said land.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Irrigation Branch, Rohtak and the Executive Engineer, Rohtak Drainage Division, Rohtak.

SPECIFICATIONS

District	Tehsil	Village	Hadbast No.	Area in acres	Boundaries							
					A strip of land of 35400 ft. in length varying in width lying along the existing drain generally in direction from North to South and West to East as shown on Index Plan.							
					Rectangle Number	Khasra Nos. in full/part						
Rohtak	Bahadurgarh	Asodha Todran	28	10.06	52	22, 25	21,	23,	24/1,	24/2,		
					53	21, 25	22,	23,	24/1,	24/2,		
					54	21/1, 24,	21/2, 25/1,	22,	23/1,	23/2,		
					55	21,	22,	23,	24,	25		
					56	16, 25	17,	18,	21,	22,	23,	24,
					73	1						
					74	1,	2,	3,	4,	5		
					75	1,	2,	3,	4,	5		
					76	1,	2,	3,	4/1,	4/2,	5	
					77	1,	2,	3/1,	3/2,	4,	5	
					78	1,	2,	3,	4,	5/1,	10,	11
					79	15,	16,	25				
					Gair Mumkin Nos.							
					192, 230, 236, 238, 252, 259, 1271, 1302, 1308							

District	Tehsil	Village	Hadbast No.	Area in acres		Boundaries
Rohtak	Bahadurgarh	Dakhori	26	32.16	21	5, 6, 15, 16, 17, 24, 25
					22	1, 2, 10, 11, 20
					20	21, 22
					41	4/1, 4/2, 5, 7, 8, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24
					42	3, 4, 5, 6
					44	21, 22
					43	9, 10, 11, 12, 13, 14, 16, 17, 18, 24, 25
					60	18, 19, 20, 21, 22, 23, 24, 25/1, 25/2
					61	16, 17, 18, 19, 20/1, 20/2, 21, 23, 24, 25
					62	9, 10, 11, 12, 13, 16, 17/1, 17/2, 18, 19, 24, 25
					63	2, 3, 4, 5, 6/1, 6/2, 7, 8
					66	4, 5, 21
					67	1, 2, 3, 6/2, 7, 8, 9, 10, 13, 14/1, 14/2, 15, 16
					68	9, 10, 11, 12, 13/1, 13/2, 16, 17, 18, 20, 24, 25
					69	21, 22, 23, 24, 25
					72	21
					73	1, 10
					74	5, 6, 11, 12/1, 12/2, 13/1, 13/2, 13/3, 15, 16, 17, 18, 19, 20, 24, 25
					75	1, 2, 7, 8, 9, 10, 13, 14, 15
					Gair Mumkin Nos. 166, 168, 177, 195, 356	
Do	Do	Rohad	25	1.62	2	20, 21, 22
					4	11, 12, 17, 18, 19, 24, 25
					3	21
					5	2, 3, 4, 6, 7, 15
					12	1, 2, 6, 7, 8, 9, 15
					13	11, 12, 18, 19, 23/1, 23/2, 24, 25
					14	19, 21, 22, 23, 24, 25
					15	21, 22, 23

District	Tehsil	Village	Hadbast/ number	Area in acres	Boundaries	
Rohtak	Bahadurgarh— <i>concl'd.</i>	Rohad <i>concl'd.</i>	25— <i>concl'd.</i>	1.62— <i>concl'd.</i>	16	21, 22
					17	11, 12, 18, 19, 20, 23, 24, 25
					18	9, 10, 12/1, 13, 14, 16, 17
					19	2, 3, 4, 5, 6
					20	1, 2/1
					21	5
					40	1, 2, 3, 4, 5, 6
					41	9, 10, 12, 13, 14, 15, 16, 17
					42	18, 19, 20, 23, 24, 25
					Gair Mumkin Nos. 233, 236, 295, 296, 297	
Rohtak	Rohtak	Kheri Sampla	34	7.78	56	25
					62	5/1, 5/2, 5/3, 6/1
					61	1, 10, 11, 20, 21
					97	1, 10, 11, 20, 21
					93	1/1, 1/2, 10/1, 10/2, 11, 20, 21/1, 21/2
					123	1, 10, 11, 20, 21
					124	1
					Gair Mumkin Nos. 251, 252, 253, 293, 312	
Rohtak	Rohtak	Naya Bas	33	14.72	3	21
					5	1, 9, 10, 11, 12, 13, 17, 18, 19, 23, 22, 20, 24, 25
					2	25
					13	4, 5, 6, 3, 15
					17	20, 21
					6	5, 6, 15
					14	1, 9, 10, 11, 12, 18/1, 18/2, 23, 19, 24
					18	3, 4/1, 4/2, 6, 7, 14, 15, 16, 25
					32	1, 2, 8, 9/1, 9/2, 10, 12/1, 12/2, 13, 17, 18, 19, 23, 24
					37	10, 11, 20, 21
					38	3, 4/1, 4/2, 5, 6, 7, 15/1, 15/2, 14, 16, 25

District	Tehsil	Village	Hadbast number	Area in acres	Boundaries	
Rohtak	Rohtak	Naya Bas— concl'd.	33— concl'd.	14.72— concl'd.	49	1, 2, 9, 10, 12, 13, 18, 19/1, 19/2, 22/1, 23, 24
					58	3, 4, 7, 8, 14, 16, 17, 15, 24
					Gair Mumkin Nos. 80, 86, 88, 91, 103, 113	
Rohtak	Rohtak	Bhainsru Khurd	31	1.04	16	20, 21
					19	1, 10, 11, 20, 21
					15	25
					22	1
					20	5, 6, 15, 16/1—2—3
					Gair Mumkin No. 197	
Total				67.38		

As demarcated at site and
shown on the Index Plan.

No. 17/37-L/Drg.—Whereas it appears to the Governor of Haryana that land specified below is needed urgently by the Government, at public expense, for a public purpose, namely, for Remodelling Pakasma Drain from R. D. 0 to R. D. 35400 outfalling into West Juan Drain at R.D. 38400 in villages Asadh, Todran, Dakhor, Rohad in tehsil Bahadurgarh and villages Kheri Sampla, Naya Bas and Bhainsru Khurd in tehsil Rohtak, district Rohtak, it is hereby notified that the land in the locality specified below is to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana, hereby authorises the officers of Irrigation Department for the time being engaged in the undertaking along with their servants, workmen to enter upon and survey land in the locality and do all other acts required or permitted by the section.

Further, whereas the Governor of Haryana is satisfied that the land is required for the aforesaid purpose which is of very urgent importance within the meaning of clause (c) sub-section (2) of section 17 of the said Act and whereas the Governor of Haryana is of the opinion that the provisions of sub-section (2) of the said section thus applicable. It is hereby directed under sub-section (4) of section 17 of the said Act that the provisions of section 5-A of the said Act shall not apply in regard to this acquisition.

SPECIFICATIONS

District	Tehsil	Village	Hadbast Number	Area in acres	Boundaries								
1	2	3	4	5	6								
					Strips of land of 35,400 feet in length, varying in width lying along the existing Drain generally in direction from North to South and West to East as shown on Index Plan.								
					<table><tr><th>Rectangle number</th><th>Khasra numbers in full/part</th></tr><tr><td>(i)</td><td>(ii)</td></tr><tr><td>52</td><td>22, 21, 23, 24/1, 24/2, 25</td></tr><tr><td>53</td><td>21, 22, 23, 24/1, 24/2, 25</td></tr></table>	Rectangle number	Khasra numbers in full/part	(i)	(ii)	52	22, 21, 23, 24/1, 24/2, 25	53	21, 22, 23, 24/1, 24/2, 25
Rectangle number	Khasra numbers in full/part												
(i)	(ii)												
52	22, 21, 23, 24/1, 24/2, 25												
53	21, 22, 23, 24/1, 24/2, 25												
Rohtak	Bahadurgarh	Asodha-Todran	28	10.66									

District	Tehsil	Village	Hadbast Number	Area in acres	Boundaries	
1	2	3	4	5	6	
Rohtak	Bahadurgarh	Asodha Todran— <i>concl'd</i>	28— <i>concl'd</i>	10.06— <i>concl'd</i>	Rectangle Number	Khasra Nos. in full/part
					(i)	(ii)
					54	21/1, 21/2, 22, 23/1, 23/2, 24, 25/1, 25/2
					55	21, 22, 33, 24, 25
					56	16, 17, 18, 21, 22, 23, 24, 25
					73	1
					74	1, 2, 3, 4, 5
					75	1, 2, 3, 4, 5
					76	1, 2, 3, 4/1, 4/2, 5
					77	1, 2, 3/1, 3/2, 4, 5
					78	1, 2, 3, 4, 5/1, 10, 11
					79	15, 16, 25
					Gair Mumkin Nos.	
					192, 230, 236, 238, 252, 259, 1271, 1302, 1308	
Rohtak	Bahadurgarh	Dakhor	26	32.16	21	5, 6, 15, 16, 17, 24, 25
					22	1, 2, 10, 11, 20
					20	21, 22
					41	4/1, 4/2, 5, 7, 8, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24
					42	3, 4, 5, 6
					44	21, 22
					43	9, 10, 11, 12, 13, 14, 16, 17, 18, 24, 25
					60	18, 19, 20, 21, 22, 23, 24, 25/1, 25/2
					61	16, 17, 18, 19, 20/1, 20/2, 21, 23, 24, 25
					62	9, 10, 11, 12, 13, 16, 17/1, 17/2, 18, 19, 24, 25
					63	2, 3, 4, 5, 6/1, 6/2, 7, 8
					66	4, 5, 21

District	Tehsil	Village	Hadbast No.	Area in acres	Boundaries	
1	2	3	4	5	6	
Rohtak	Bahadurgarh	Dakhori— concl'd	26— concl'd	32.16— concl'd	Rectangle Number	Khasra Nos. in full/part
					(i)	(ii)
					67	1, 2, 3, 6/2, 7, 8, 9, 10, 13, 14/1, 14/2, 15, 16
					68	9, 10, 11, 12, 13/1, 13/2, 16, 17, 18, 20, 24, 25
					69	21, 22, 23, 24, 25
					72	21
					73	1, 10
					74	5, 6, 11, 12/1, 12/2, 13/1, 13/2, 13/3, 15, 16, 17, 18, 19, 20, 24, 25
					75	1, 2, 7, 8, 9, 10, 13, 14, 15
					Gair Mumkin Nos.	
					166, 168, 177, 195, 356.	
Rohtak	Bahadurgarh	Rohad	25	1.62	2	20, 21, 22
					4	11, 22, 17, 18, 19, 24, 25
					3	21
					5	2, 3, 4, 6, 7, 15
					12	1, 2, 6, 7, 8, 9, 15
					13	11, 12, 18, 19, 23/1, 23/2, 24, 25
					14	19, 21, 22, 23, 24, 25
					15	21, 22, 23
					16	21, 22
					17	11, 12, 18, 19, 20, 23, 24, 25
					18	9, 10, 12/1, 13, 14, 16, 17
					19	2, 3, 4, 5, 6
					20	1, 2/1
					21	5
					40	1, 2, 3, 4, 5, 6
					41	9, 10, 12, 13, 14, 15, 16, 17
					42	18, 19, 20, 23, 24, 25
					Gair Mumkin Nos.	
					233, 236, 295, 296, 297	

District	Tehsil	Village	Hadbast No.	Area in Acres	Boundaries	
1	2	3	4	5	6	
					Rectangle number	Khasra number in full/part
					(i)	(ii)
Rohtak	Rohtak	Kheri, Sampla	34	7.78	56	25
					62	5/1, 5/2, 5/3, 6/1
					61	1, 10, 11, 20, 21
					97	1, 10, 11, 20, 21
					93	1/1, 1/2, 10/1, 10/2, 11, 20, 21/1, 21/2
					123	1, 10, 11, 20, 21
					124	1
					Gair Mumkin Nos.	
					251, 252, 253, 293, 312	
Rohtak	Rohtak	Naya Bas	33	14.72	3	21
					5	1, 9, 10, 11, 12, 13, 17, 18, 19, 23, 22, 20, 24, 25
					2	25
					13	4, 5, 6, 3, 15
					17	20, 21
					6	5, 6, 15
					14	1, 9, 10, 11, 12, 18/1 18/2, 23, 19, 24
					18	3, 4/1, 4/2, 6, 7, 14, 15, 16, 25
					32	1, 2, 8, 9/1, 9/2, 10, 12/1 12/2, 13, 17, 18, 19, 23, 24
					37	10, 11, 20, 21
					38	3, 4/1, 4/2, 5, 6, 7, 15/1, 15/2, 14 16, 25
					49	1, 2, 9, 10, 12, 13, 18, 19/1, 19/2, 22/1, 23, 24
					58	3, 4, 7, 8, 14, 16, 17, 15, 24
					Gair Mumkin Nos.	
					80, 86, 88, 91, 103, 113	

District	Tehsil	Village	Hadbast No.	Area in Acres	Boundaries	
1	2	3	4	5	6	
					Rectangle number	Khasra number in full/part
					(i)	(ii)
Rohtak	Rohtak	Bhainsru Khurd	31	1.04	16	20, 21
					19	1, 10, 11, 20, 21
					15	25
					22	1
					20	5, 6, 15, 16/1, 2, 3.
					Gair Mumkin Nos.	
					197	
					As demarcated at site and shown on the Index plan	

By order of the Governor of Haryana.

(Sd.)

Superintending Engineer,
Drainage Circle, Rohtak.

PUBLIC WORKS DEPARTMENT
(BUILDINGS AND ROADS BRANCH)

The 25th April, 1978

No. 11-1-P-W-III(5)-78.—Shri Ladli Parshad Verma, Sub-Divisional Engineer (Civil) Public Works Department, (Buildings and Roads Branch) was served with three months notice,—vide Haryana Government Memo No. 11778-PWIII(5)-77/33818, dated 17th November, 1977 for pre mature retirement. On the expiry of this notice Shri Verma, S. D. E. has been relieved of his duties with effect from 27th February, 1978 (afternoon).

V. K. SIBAL,
Commr. & Secy.

LABOUR DEPARTMENT

The 27th April, 1978

No. 4286-3Lab-78/1819.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Amceteep Machine Tools Pvt. Ltd., 16/7 Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 42 of 1974

between

SHRI J. C. BHATIA, WORKMAN AND THE MANAGEMENT OF M/S AMEETEEP MACHINE
TOOLS PRIVATE LIMITED, 16/7, MATHURA ROAD, FARIDABAD

Present :—

Shri Bhim Singh Yadav, for the workman.

Shri K. P. Aggarwal, for the management.

AWARD

By order No. ID/FD/73/660/7944, dated 26th March, 1974, the Governor of Haryana referred the following dispute between the management of M/s Amectecp Machine Tools Private Limited, 16/7, Mathura Road, Faridabad and its workman Shri J. C. Bhatia, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jagdish Bhatia was justified and in order ? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. The management pleaded that the workman himself abandoned his job by tendering his resignation voluntarily. The management had further pleaded that the demand had not been properly raised and the reference was bad in law. Because none appeared for the workman on 20th January, 1975 and the management pleaded, as said above, my learned predecessor recorded the statement of Shri B. S. Sapra, Personnel Officer of the management and then gave his *ex parte* award dated 20th January, 1975. The workman thereafter moved an application for setting aside *ex parte* award. The management replied and the following issue was framed on 26th July, 1975:—

Whether the Tribunal has jurisdiction to set aside the award after its publication?

My learned predecessor decided this issue and set aside the *ex parte* award. Then the case was fixed for filing rejoinder by the workman which he did and then the following issues were framed on 16th July, 1976:—

- (1) Whether the reference is bad in law for the preliminary objections Na. 1 to 3 taken in the written statement?
- (2) Whether the workman resigned his job on 14th December, 1973 and the management duly accepted his resignation?
- (3) In case of non-proof of issue No. 2 whether the termination of services of the workman was justified and in order ? If not, to what relief is the workman entitled?

The case was fixed for the evidence of the management. The management examined their Time Office Incharge as M. W. 1 who stated that the workman tendered his resignation Ex. M-1 to the Personnel Officer who asked him to take the workman to the Director. M. W. 1 accompanied the workman to the Director's cabin. The Director accepted the resignation and asked him to clear the account. The Director wrote "resignation accepted" in his presence. He was to pay all the dues but the workman stated that he shall receive a little afterwards. Then he sent this sum by money order which was received back as unpaid. The management has also sent a letter by registered post regarding acceptance of the resignation of the workman but the workman refused to receive the same, i. e. Ex. M-3, and the workman did not give any demand notice to them prior to conciliation proceedings. The management closed their case.

Then the case was fixed for the evidence of the workman who stated that the management terminated his services without any letter of termination. He stated that he did not give any resignation to the management of his own and that he did not receive any amount from the management and he could not get any service elsewhere but pulls on by doing labour. In cross-examination he denied the signatures and his thumb impression. The workman admitted in cross-examination that there was no ill-feeling between the management and him at any time, nor prior to the alleged termination of services, although after the alleged termination of services, hot words were exchanged. He further admitted that he did not complain to any authority in writing regarding termination of services, although he went to the factory for 4/5 times at the gate for joining his duty. He has gone at the workers gate only and the office of the Personnel Office and time-keeper are at a distance of about 150/200 yards. He further admitted that he did not go to the Labour Office for 2/3 days after the alleged termination of service. He admitted that the management had told in conciliation proceedings that he had resigned of his own. He further admitted that he did not ask the management to give a letter regarding termination of services. He further admitted that the money order had reached him and he had refused to receive the same.

The case was then fixed for arguments, which were heard. Written arguments were also filed by the workman. In the mean time the management moved an application that they wanted a comparison of signatures and thumb-impression of the workman concerned by some expert. That was allowed subject to the payment of costs of Rs. 100 only. Specimen of signatures and thumb-impressions of the workman concerned were taken. The expert examined and compared the signatures and thumb impression taken in court as specimen with the signatures and thumb-impressions on the resignation letter Ex. M-1. Then the management examined photographer as M. W. 2 who had taken photos of the specimen thumb-impressions and signatures. M. W. 2 proved the photographs. The management also examined

Shri Ashok Kaship, handwriting and finger print expert, Delhi, as M. W. 3 who proved his report and stated that he was practising as such for the last 12 years and during this period he had given opinion in about 4,000 cases in Supreme Court, High Courts and various lower courts all over India. He was a member of International Association for Identification (U. S. A). He stated that the signatures and thumb-impressions on the resignation are of the person who had given specimen and that he has given reasoning of his opinion in his report Ex. M-10, which bore his signatures and was correct. The representative for the workman wanted time to cross-examine the expert M. W. 3. He was granted time and then the representative for the workman cross-examined this witness after two months and 20 days but could not bring any point in his favour. Then the case was fixed for the evidence of the workman in rebuttal. The workman examined himself and stated that the opinion of the handwriting expert is wrong and is under influence of money paid to him by the management and that he could sign only. In cross-examination he admitted his signatures on Ex. M. A. and thumb-impression on Ex. M. B. He, however, stated that he could not say whether signatures at mark 'B' on the second leaf on Ex. M-4 were his or not. The workman closed his case.

Arguments were heard at length. I have gone through the evidence of the parties oral as well as documentary. I, therefore, give my finding issue wise.

Issue No. 1.—

I have seen the preliminary objection in the written statement of the management under this issue. They are to the effect that the workman did not raise any dispute with the management and the Government of Haryana was incompetent to refer the dispute and this is not an industrial dispute and the Hon'ble Tribunal has no jurisdiction to adjudicate and the reference is bad in law as the appropriate Government did not apply its mind to the facts in forming its opinion and therefore, the reference is beyond the scope of the power of the Government. Not raising of demand is not so fatal to disentitle the workman concerned to pursue his dispute as is well settled by the Hon'ble the Punjab and Haryana High Court. Other objections have no force. I, therefore, decide issue No. 1 against the management.

Issue No. 2.—

M.W. 1 has very clearly stated that the workman resigned his job and he accompanied the workman to the Director and the Director accepted the resignation. In conciliation proceedings the management had stated that the workman had resigned of his own and this fact is admitted by the workman from the very start, the management is stating that the workman had himself resigned of his own. Moreover the resignation is not only signed but is thumb-marked also by the workman. The signatures on Ex. M-4, the letter of appointment of the workman concerned resembled the signatures of the workman on the resignation Ex. M-1. The handwriting and fingerprint expert has given his opinion that the signatures on the resignation are of the workman concerned. Not only this the fingerprint expert has also given his opinion that the thumb-impression on Ex. M-1, the resignation, are of the workman concerned. The opinion of finger print expert as regards fingerprint is like conclusive. His opinion on comparison of the finger print cannot be brushed aside. Moreover the evidence of the workman is not reliable in view of the fingerprint expert opinion regarding thumb-impression and this is corroborated by the evidence of M. W. 1. Acceptance of resignation is also proved by M. W. 1. I hold that the signatures and thumb-impression on the resignation of Ex. M-1 are of the workman concerned. I, therefore, decide issue No. 2 in favour of the management.

Issue No. 3.—

Issue No. 3 does not arise because issue No. 2 has been proved in favour of the management. I, therefore, give my award as follows:—

That the management did not terminate the services of the workman concerned and therefore, the question of its justifiability or otherwise does not arise. It is the workman concerned who himself gave his resignation and the management accepted that. The workman is not entitled to any relief.

NATHU RAM SHARMA,

Dated the 3rd April, 1978

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 328, dated the 7th April, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 7th April, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.